

III. Remarks**A. Examiner Interview**

The undersigned is grateful to Examiners Buckle Jr. and Canfield for their time during the telephonic interview conducted on November 20, 2008. During the interview, the undersigned noted that the bottom and top of FIG. 3B of Jakel used in the rejection were reversed. The Examiners noted this discrepancy and also clarified their view of the applicability of the various planar portions shown on the rear surface of the shingle of Jakel to the present claims. This clarification is included in the Interview Summary.

B. Rejection under 35 U.S.C. § 103**1. Claims 1-3, 5-7, 9, 11-13, 15-17, 19, 22-24 and 27-29**

The Action rejects claims 1-3, 5-7, 9, 11-13, 15-17, 19, 22-24 and 27-29 as being obvious from the Admitted Prior Art in further view of U.S. Patent No. 5,465,547 to Jakel. Reconsideration and withdrawal of this rejection in view of the foregoing amendments and the following comments are respectfully requested.

(a) Claims 1-3 and 5-7

Independent claim 1 is directed to a rectangular siding panel. The siding panel has front and rear faces, first and second side faces and top and bottom faces. Claim 1 has been amended to recite that the panel has:

(i) a region of increasing thickness extending from said top face to a transition region, said rear face in said region of increasing thickness forming a substantially planar first surface defined from said first side face to said second side face that extends, in substantially continuous planar form, from said top face to said transition region, and

(ii) the rear face has a substantially planar second surface occupying a majority of said rear face defined from said first side face to said second side face that extends, in substantially continuous planar form, from said bottom face to said transition region.

Jakel does not teach or suggest a region of increasing thickness that extends from the top face to a transition region where the rear face in this region of increasing thickness forms a substantially planar first surface **defined from said first side face to said second side face that extends, in substantially continuous planar form**, from said top face to said transition region, along with the said rear face having a substantially planar surface occupying a majority of said rear face **defined from said first side face to said second side face that extends, in substantially continuous planar form**, from said bottom face to said transition region.

The highlighted regions of Jakel identified by the Examiner in the Interview Summary are not defined from a first side face to a second side face and extend “in substantially continuous planar form” from a top and bottom faces to meet at a transition region as claimed. Further, none of the highlighted regions provides a substantially planar surface defined from the first side face of Jakel to the second side face as claimed that “occupies a majority of said rear face” and extends in such a manner from the bottom face to the transition region. As shown in FIG. 3B of Jakel, the tile 50 of Jakel has a large hollow cavities 70, 71 and 72 that prevent any planar surfaces that are defined from the first side face to the second side face from extending “in substantially continuous planar form” from said top face to a transition region and from said bottom face to the transition region, or from occupying a majority of the rear face.

It is submitted, therefore, that the combination of APA and Jakel does not teach each feature of independent claim 1. Claim 1, therefore, is in allowable form.

Dependent claim 5 has been canceled. Claims 2-3 and 6-7 depend from claim 1 and are, therefore, also in allowable form.

(b) Claims 9, 11-13 and 15-16

Independent claim 9 is directed to a siding panel assembly having at least first and second siding panels attached to a vertical wall of a structure. Claim 9 recites features similar to claim 1 with respect to planar surfaces extending from a top face to a transition region, and a planar surface occupying a majority of the rear face extending from a bottom face to the transition region. For reasons analogous to those discussed above in connection with claim 1, it is submitted that claim 9 is allowable over the cited combination.

Further, claim 9 is an assembly claim and affirmatively recites that the substantially planar first surface sits substantially flush with the vertical wall, wherein the vertical wall provides support for said rear surface against burst fractures from said fasteners. Because of the presence of the large hollow cavity 70 of Jakel, the tile 50 cannot make continuous flush contact with the structure's surface across the length of the tile 50 as recited in the claim in the area where fasteners would be driven into the supporting structure. Therefore, in contrast to the present invention, and more like the prior art described in the APA, when a nail is driven through the tile 50 in the cavity area 70, that nail must pass through an air gap before entering the structure. This gap between the rear surface and the structure can lead to burst fractures in the rear surface of the tile, like a bullet exiting an object in free space. This, in turn, can lead to additional stress cracks and fractures, expose the tile to water damage, weaken the holding strength of the fasteners and generally reduce the product life of the product.

For these additional reasons, it is submitted that claim 9 is allowable over the cited combination.

Claims 11-13 and 15-16 depend from claim 9 and are, therefore, also allowable.

(c) Claims 17, 19, and 22-24

Independent claim 17 is directed to a method of installing a siding panel assembly. For reasons analogous to those discussed above in connection with claims 1 and 9, it is submitted

that claim 17 is allowable over the cited combination of references. Claims 19 and 22-24 depend from claim 17 and are, therefore, also in allowable form.

(d) Claims 27-29

Claim 27 is directed to a siding panel and is allowable over the cited combination for reasons analogous to certain ones presented above in connection with claims 1, 9 and 17.

Claims 28 has been canceled.

Claims 29 depends from claim 27 and is, therefore, also in allowable form.

2. Claims 4, 8, 10, 25-26, and 30

The Action rejects claims 4, 8, 25-26 and 30 as being obvious from APA in view of Jakel in further view of U.S. Published Application No. 2002/0139082 to DeFord et al.

Claims 4 and 8 depend from claim 1 and are, therefore, allowable for at least the reasons set forth above in connection therewith.

Claim 10 depends from claim 9 and is, therefore, allowable for at least the reasons set forth above in connection therewith.

Claim 25 is directed to a siding panel and is allowable over the cited combination for reasons analogous to certain ones presented above in connection with claims 1, 9, and 17.

Claims 26 and 30 depend from claim 25 and are, therefore, also in allowable form.

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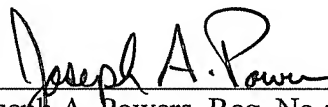
IV. Conclusion

In view of the foregoing remarks and amendments, Applicant submits that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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